

REMARKS

Claims 51-60 are pending, claims 1, 3-20 and 22-50 having been canceled by the present amendment. New claims 51-60 are supported by originally-filed claim 13 and disclosure on page 6, lines 17-26; page 7, line 12; page 8, line 26 to page 9, line 6; and page 20, lines 3-4 of the specification. Claims 56 and 60 are further supported by disclosure on page 25, line 36 of the specification. Claim 57 is further supported by disclosure on page 23, lines 27-28, of the specification. No new matter has been added by this amendment.

37 C.F.R. § 1.75 (c)

The Examiner objected to claims 23 and 24 as being improper antecedent form. This objection is moot in view of the cancellation of claims 23 and 24.

35 U.S.C. § 112

Claims 1, 3-20 and 22-50 were rejected for indefiniteness under § 112, second paragraph, for indefiniteness. The rejected claims have been canceled.

Claims 13 and 32 were rejected under § 112, second paragraph, for overbreadth. The rejected claims have been canceled.

New claims 51-57 require buccal administration or administration of a suppository. Therefore, this rejection should not apply to the new claims filed herewith.

35 U.S.C. § 102

Claims 1, 3-14, 16, 20, 22, 24-33, 35, 38-44 and 46 were rejected for anticipation by Cavadini *et al.* The rejected claims were canceled, and new claims 51-60 were added. The new claims require a lactic acid-producing bacteria, a fructo-oligosaccharide, and a mineral gluconate, mineral citrate, or lactase. This combination of compositions is neither disclosed or suggested in Cavadini *et al.* Moreover, claim 57 requires administering a suppository

composition. Cavadini *et al.* fail to describe a suppository. Thus, the new claims are not anticipated by Cavadini *et al.*

Claims 1, 3, 5-17, 20, 22, 24-36, 38-44 and 49 were rejected by anticipation by Langrehr. The rejected claims were canceled. The new claims are not anticipated by this reference because Langrehr fails to describe a composition containing a lactic acid-producing bacteria and fructo-oligosaccharide combined with a mineral gluconate, mineral citrate, or lactase. Langrehr also fails to describe suppository compositions. Thus the new claims are distinguished over Langrehr.

Claims 4, 23, 45 and 47 were rejected for anticipation by Delespaul *et al.* The rejected claims were canceled. This reference also fails to teach the mixture of compositions required by the new claims. Furthermore, new claims 52 and 53 require bacterial strains, which are not described by Delespaul *et al.* Thus, this rejection should not be applied to the new claims.

Claims 1, 3, 6-10, 13, 19, 39 and 40 were rejected for anticipation by Hata. The rejected claims were canceled. Hata describes a yogurt composition; this reference does not describe a composition containing a mineral gluconate, mineral citrate, or lactase. Nor does Hata describe a suppository. Moreover, claims 52 and 53 require bacteria (*Bacillus coagulans*), which were not described by Hata.

Contrary to the Examiner's assertion on page 10, lines 17-19, of Paper No. 10, *Lactobacillus* is not also known as *Bacillus coagulans*. As disclosed on page 14, lines 7-12, of the specification, *Bacillus coagulans* was previously mischaracterized as *Lactobacillus*, but has been distinguished from *Lactobacillus sp.* Thus Hata does not anticipate the new claims.

Claims 6, 18, 25 and 37 were rejected for anticipation by Kreuzer *et al.* The rejected claims were canceled, and the new claims require mixtures (*e.g.* containing lactase, mineral gluconate, or mineral citrate) or formulations (*e.g.* suppositories), which are not described by Kreuzer *et al.* Thus, this rejection should not be applied to the new claims.

35 U.S.C. § 103

Claims 6, 14-17, 25 and 33-36 were rejected for obviousness over Hata in view of Gaull. The rejected claims were canceled, and new claims are non-obvious over the combination of references because the references fail to disclose or suggest the claimed compositions or formulations now required.

CONCLUSION

Applicants submit that new claims 51-60 are distinguished over the art of record and fully enabled by the present specification. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

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